

Art Unit: 1796

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Pavelko on 10/21/08.

The application has been amended as follows:

In claim 28, line 2, "myrisityl" has been substituted by --myristyl --.

In claim 28, line 3, "myrisityl" has been substituted by --myristyl --.

In claim 29, line 3, "and stearyl palmitate." has been substituted by --, stearyl palmitate and at least one other component selected from the group consisting of myristyl myristate, palmityl stearate, stearyl stearate, stearyl arachidate, and stearyl behenate.--.

In claim 41, line 2, "comprising:" has been substituted by --consisting of:--.

In claim 43, line 1, "40" has been substituted by --41--.

In claim 43, line 2, "comprising:" has been substituted by --consisting of:--.

In claim 51, line 2, "comprising:" has been substituted by --consisting of:--.

In the specification page 3, line 23, please add --BRIEF DESCRIPTION OF THE FIGURES-- as a new heading.

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In the specification page 3, line 24, please add -- **FIG. 1** is the schematic top view and profile view of the test apparatus used to measure the coefficient of friction (static and kinetic). -- as a new paragraph under the heading listed above.

Allowable Subject Matter

Claims 28-61 allowed.

The following is an examiner's statement of reasons for allowance:

The prior of art record Takayama *et al.* (US 6,326,435) discloses a polyester containing aliphatic esters having improved sliding characteristics {component (C)} (3:20-28), wherein the aliphatic ester (C) is an ester of a C₁₀₋₃₀ fatty acid (6:65-7:19) and C₈₋₃₀ alcohol (7:20-50). While preferred embodiments include stearyl stearate and myristyl myristate as aliphatic ester (C) (7:60-65), picking and choosing the claimed aliphatic esters from the numerous possible combinations of aliphatic esters obtained from C₁₀₋₃₀ fatty acid and C₈₋₃₀ alcohol, as well as the specific amounts employed in dependent claims, would be an improper hindsight reconstruction from the prior art. Furthermore, Takayama *et al.* (US '435) discloses one aliphatic ester (C) in the examples (Tables 1-4), and not a combination of at least 5 aliphatic esters as claimed in the instant application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PEPITONE whose telephone number is (571)270-3299. The examiner can normally be reached on M-F, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo, Ph.D./
Supervisory Patent Examiner, Art Unit 1796

MFP
9-October-08